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March 30, 2021

*By ECF and Courtesy Copy
by Email to Chambers*

The Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Donald LaGuardia, 19-CR-893 (LAK)*

Dear Judge Kaplan:

On behalf of Donald LaGuardia, and with the consent of the government, I am writing to respectfully request a sixty day adjournment of Mr. LaGuardia's sentencing hearing from April 20, 2021 to June 21, 2021 or a date thereafter that is convenient to the Court. The principal reason for this request is to enable Mr. LaGuardia to take meaningful steps that, if successful, would compensate the investors in the LR Global Frontier Funds for some or all of their losses. The requested adjournment will enable Mr. LaGuardia to make and demonstrate progress towards his goal of compensating those investors for their losses.

In the past month, Mr. LaGuardia was offered a position as a consultant to an investment firm named Global International Advisors (GIA), a U.S. advisor to M&B Merchant Bank, in which Mr. LaGuardia's responsibilities would be limited to originating and advising GIA on potential investment opportunities. Under the proposed consulting arrangement, Mr. LaGuardia will have no authority over GIA's investment decisions, and will not communicate with or solicit investors or potential investors.

GIA wishes to use Mr. LaGuardia's deep expertise in frontier markets to assist it in identifying and selecting investments for its portfolio. It is now contemplating purchasing a majority interest in the LR Global Frontier Fund in order to take advantage of its existing master-

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feeder structure, and to repurpose the Fund's investment strategy. In furtherance of this plan, GIA expects to purchase the ownership interests of the existing stakeholders in the Fund. In addition, GIA is also considering acquiring interests in certain foreign affiliates of LR Managers which would also likely result in the release of funds that would go towards compensating the investors in the Global Frontier Fund.

Given Mr. LaGuardia's current financial circumstances, and the uncertainty of his future career opportunities following the imposition of sentence, this consulting arrangement with GIA likely represents his best opportunity to make the Global Frontier Funds' investors whole. Mr. LaGuardia's knowledge of the structure and investments of the Funds and their affiliates make him invaluable to GIA in pursuing investments in those entities, which would directly benefit the investors in the Funds. We understand that the assets of the Funds are still held by the Northern Trust Corporation and to our understanding, those assets are not being managed in any way.

To be clear, we do not expect that Mr. LaGuardia's work with GIA, in only two months, will result in making the Funds' investors completely whole. But during that two month period, Mr. LaGuardia will be able to make progress towards that goal and that progress will be reported to the Court. If the Court is persuaded that Mr. LaGuardia's continued work with GIA will result in making partial or complete restitution to investors, then we would consider asking the Court for a further adjournment of the sentence. Likewise, depending on Mr. LaGuardia's progress, the government conceivably may consent to a further adjournment of his sentencing hearing.

Because Mr. LaGuardia's consulting arrangement with GIA represents the best probability for him to make investors whole for some or all of their losses in the shortest period of time, and because Mr. LaGuardia's successful efforts to pay restitution is a mitigating factor that the Court may consider at sentencing under 18 U.S.C. § 3553(a), we respectfully request that the Court grant this motion for a two-month adjournment of Mr. LaGuardia's sentencing hearing from April 20, 2021 to June 21, 2021 or a date thereafter that is convenient to the Court.

This is Mr. LaGuardia's second application for an adjournment of his sentencing hearing. On February 25, 2021, the Court granted Mr. LaGuardia's previous application and adjourned his sentencing from March 10 to April 20, 2021 to enable the parties to meet and confer concerning certain disputed factual issues to avoid the need for a *Fatico* hearing. The parties have resolved all but one of their material factual disputes. I believe that further negotiation between the government and the defense may yet resolve this remaining factual issue.

Respectfully submitted,

/s/ Eric M. Creizman
Eric M. Creizman

cc: Daniel Loss, Esq., Assistant United States Attorney (by ECF and email)
Heather Korman, United States Probation Officer (by email)